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FILED
DISTRICT COURT OF GUAM
MAY 14 2009
JEANNE G. QUINATA
Clerk of Court

**UNITED STATES DISTRICT COURT
DISTRICT OF GUAM**

LOUELA CALIMLIM,

Plaintiff,

vs.

**KING'S RESTAURANT LLC and
FREDDY VANDOX SANTOS,
Owner of Kings Restaurant LLC,**

Defendants.

Civil Case No. 09-00009^{DO}

**FIRST AMENDED COMPLAINT FOR
DAMAGES UNDER TITLE VII OF
THE CIVIL RIGHTS ACT OF 1964
and THE CIVIL RIGHTS ACT OF
1991;**

JURY TRIAL DEMANDED

Comes now Ms. Louela Calimlim, by and through attorney Lewis W. Littlepage of Littlepage & Associates, P.C., and does bring this amended action to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, codified at 42 U.S.C. § 2000e *et seq.*, and the Civil Rights Act of 1991, for employment discrimination based on race, sex or national origin.

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1        1.     This Court has jurisdiction of the action under 42 U.S.C. § 2000e-  
2 5(f), 28 U.S.C. § 1331, and 28 U.S.C. § 1343.

3  
4        2.     Plaintiff is, and was at all times relevant, a citizen of the  
5 Philippines on permanent U.S. resident status, resident of Guam, a female, and  
6 of Filipino origin.

7        3.     Upon information and belief Defendant King's Restaurant LLC is,  
8 and was at all times relevant, duly licensed to conduct business in Guam and  
9 operated out of King's Restaurant, Chalan San Antonio, in Tamuning, Guam.

10  
11       4.     Defendant King's Restaurant LLC is a person within the meaning  
12 of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. §  
13 2000e(b), (c), or (d).  
14

15       5.     Upon information and belief, Freddy Vadox Santos is the sole  
16 owner of King's Restaurant LLC.

17       6.     Defendant Freddy Vadox Santos is a person within the meaning  
18 of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. §  
19 2000e(b), (c), or (d).  
20

21       7.     Defendant King's Restaurant LLC is engaged in commerce within  
22 the meaning of 42 U.S.C. § 2000e(g).

23       8.     Defendant Freddy Vadox Santos is engaged in commerce within  
24 the meaning of 42 U.S.C. § 2000e(g).  
25

26       9.     During the course of her employment, Plaintiff was subjected to  
27 differential terms and conditions of employment because of her sex.

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1        10. The differential terms and conditions of employment and disparate  
2 treatment included sexual harassment not experienced by males or other  
3 females similarly situated.  
4

5        11. On or about February 9, 2008, Plaintiff, while an employee of  
6 King's Restaurant LLC, was subjected to a strip search by the on-duty manager  
7 in the open area of the public restroom at Kings Restaurant Tamuning during  
8 hours when the restaurant was open to the public and was exposed to  
9 customers.  
10

11        12. On February 10, 2008 Plaintiff notified the manager/owner Freddy  
12 Vandox Santos, who took no action to correct the disparage treatment.  
13

14        13. Defendants King's Restaurant LLC and Freddy Vandox Santos, by  
15 their actions and lack of remedial actions, created a work hostile environment.  
16

17        14. On February 15, 2008, Plaintiff resigned due to constructive  
18 discharge.  
19

20        15. Defendant King's Restaurant LLC discriminated against Ms. Louela  
21 Calimlim on the basis of her sex, Female, in violation of § 703(a) of Title VII of  
22 the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a)(1), among  
23 other ways, by:  
24

25            (a) creating and maintaining a hostile work environment  
26 sufficiently severe or pervasive to alter the terms, conditions or privileges of Ms.  
27 Calimlim's employment;  
28

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1 (b) failing or refusing to take prompt or adequate remedial action in
2 response to the hostile work environment and sexual harassment complaints of
3 Ms. Louela Calimlim.
4

5 16. Defendant Freddy Vadox Santos discriminated against Ms. Louela
6 Calimlim on the basis of her sex, Female, in violation of § 703(a) of Title VII of
7 the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a)(1), among
8 other ways, by:
9

10 (a) creating and maintaining a hostile work environment
11 sufficiently severe or pervasive to alter the terms, conditions or privileges of Ms.
12 Calimlim's employment;
13

14 (b) failing or refusing to take prompt or adequate remedial action in
15 response to the hostile work environment and sexual harassment complaints of
16 Ms. Louela Calimlim.
17

18 17. Defendants acted with malice or with reckless and callous
19 indifference to the federally protected rights of the aggrieved Plaintiff.
20

21 18. Ms. Louela Calimlim timely filed a charge of discrimination with
22 the EEOC, EEOC Charge No. 486-2008-00208, in which she alleged that she
23 had been discriminated against during her employment with the King's
24 Restaurant. Pursuant to § 706 of Title VII of the Civil Rights Act of 1964, as
25 amended, 42 U.S.C. § 2000e-5, the EEOC issued Ms. Louela Calimlim a Right
26 to Sue letter (attached) dated March 2, 2009, which was received on March 6,
27 2009.
28

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1 19. All conditions precedent to the filing of this suit have been  
2 performed or have occurred.  
3

4 **WHEREFORE**, plaintiff prays as follows:  
5

6 1. That Defendants King's Restaurant LLC and Freddy Vandox  
7 Santos be found to have violated the provisions of Title VII of the Civil Rights  
8 Act of 1964 and the Civil Rights Act of 1991 by subjecting Plaintiff to sexual  
9 harassment during her employment;  
10

11 2. That Defendants King's Restaurant LLC and Freddy Vandox  
12 Santos be found to have violated (28 U.S.C § 1875) by creating a hostile work  
13 environment so as to cause Plaintiff's constructive termination from her  
14 employment;  
15

16 3. That Defendants King's Restaurant LLC and Freddy Vandox  
17 Santos be ordered to provide sufficient remedial relief to make whole Ms.  
18 Louela Calimlim for the loss she has suffered as a result of the discrimination  
19 against her as alleged in this complaint; and  
20

21 4. That Defendants King's Restaurant LLC and Freddy Vandox  
22 Santos be ordered to take other appropriate nondiscriminatory measures to  
23 overcome the effects of the discrimination.  
24

25 5. For compensatory damages to Ms. Louela Calimlim as would fully  
26 compensate her for injuries caused by the defendants' discriminatory conduct,  
27

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1 pursuant to and within the statutory limitations of § 102 of the Civil Rights Act  
2 of 1991, 42 U.S.C. § 1981a.

3  
4 6. For punitive damages in the amount of \$3,000,000 to be awarded  
5 to Ms. Louela Calimlim as Defendants engaged in discriminatory practice or  
6 discriminatory practices with malice or with reckless and callous indifference  
7 to the federally protected rights of Plaintiff.

8  
9 7. For such additional relief as justice may require, together with  
10 plaintiff's costs and disbursements in this action.

11 8. For any and all other relief to which she may be entitled, in law or  
12 equity.

13  
14 9. For attorney fees and costs of suit.

15  
16 **JURY DEMAND**

17 Ms. Louela Calimlim hereby demands a trial by jury of all issues so  
18 triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and § 102 of  
19 the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

20  
21 Respectfully submitted this 7<sup>th</sup> day of May, 2009.

22  
23  
24 LITTLEPAGE & ASSOCIATES, P.C.

25  
26 By: 

27 Lewis W. Littlepage, Esq.

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